REMARKS

This Application has been carefully reviewed in light of the Office Action electronically sent on November 27, 2009. At the time of the Office Action, 1, 4-9, 12-17, and 20-25 were pending in this Application. Claims 1, 4-9, 12-17, and 20-25 were rejected. Claims 1, 9, and 17 have been amended. Applicant respectfully requests reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 112

Claims 9 and 12-16 were rejected by the Examiner under 35 U.S.C. §112, first paragraph, as failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response to this rejection, Claim 9 has been amended. Applicant traverses the rejections and respectfully request allowance of Claims 9 and 12-16 as amended.

The element in question in Claim 9 has been amended to read:

"a plurality of service providers each having a network address, a plurality of feature interfaces providing access to a service, techniques for interfacing with the feature interfaces, and a plurality of service descriptors describing the service, wherein:
each of the service providers is coupled to a communication network; and
each service provider identifies the techniques for interfacing the feature interfaces.

Applicant believes that Claim 9 is now clear that the plurality of service providers include a network address, a plurality of feature interfaces, techniques for interfacing with the feature interfaces, and a plurality of service descriptors. Applicant also believes that in Claim 9, the first recitation of "feature" has a proper antecedent basis.

Rejections under 35 U.S.C. §103

Claims 1, 4-7, 9, 12-15, 17, 20-23, and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication 2003/0023499 filed by Rajarshi Das

("*Das*") in view of U.S. Patent Application Publication 2001/0051913 filed by Avinash Vashistha ("*Vashistha*"). Applicant respectfully traverses and submits the cited art combinations, even if proper, which Applicant does not concede, does not render the claimed embodiment of the invention obvious.

Claims 8, 16, and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Das* in view of *Vashistha* in further view of U.S. Publication No. 2002/0184527 filed by Jon Andre Chun et al ("*Chun*"). Applicant respectfully traverses and submits the cited art combinations, even if proper, which Applicant does not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Even if each limitation is disclosed in a combination of references, however, a claim composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int'l. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007). Rather, the Examiner must identify an apparent reason to combine the known elements in the fashion claimed. *Id.* "Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *Id.*, citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Finally, the reason must be free of the distortion caused by hindsight bias and may not rely on ex post reasoning. *KSR*, 127 S.Ct. at 1742. In addition, evidence that such a combination was uniquely challenging or difficult tends to show that a claim was not obvious. *Leapfrog Enterprises, Inc. v. Fisher-Price, Inc. and Mattel, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007), citing *KSR*, 127 S.Ct. at 1741.

A. **Claims 1, 4-7, 9, 12-15, 17, 20-23, and 25 are patentable over *Das* and *Vashistha*.**

Consider Applicant's independent Claim 1, which as amended recites:

A method for automated management of business services comprising:

establishing an organizational database maintaining at least one business function description comprising a business function indicator and a plurality of business function requirements;

accessing a service registry using the business function indicator to identify a network address for each of a plurality of service providers each having a service indicator matching the business function indicator, wherein the service registry and each of the plurality of service providers are coupled to a communications network;

for each of the identified service providers:

communicating with the service provider to determine feature interfaces for interacting with the service provider, the service provider identifying at least techniques for interfacing with the feature interfaces;

accessing a first one of the feature interfaces of the service provider to determine a plurality of service descriptors describing a service provided by the service provider;

determining whether the service provider is satisfactory based on if the service descriptors satisfy at least a portion of the business function requirements; and

if the service provider is satisfactory, negotiating a plurality of variable service descriptors using a second one of the feature interfaces for the service provider;

ranking each of the satisfactory service providers based on the service descriptors and the variable service descriptors from each of the satisfactory service providers; and

accessing a third feature interface of the highest ranking one of the satisfactory service providers to authorize performance of the service.

Among other aspects, *Das* and *Vashistha*, whether taken alone or in combination, fail to teach or suggest communicating with the service provider to determine feature interfaces for interacting with the service provider, the service provider identifying at least techniques for interfacing with the feature interfaces.

Support for the limitation is found in the specification. "Each service provider 12 represents any suitable collection of components capable of offering access to services through defined interfaces." Specification at 6. "Each service provider provides a service." Id. Services "fulfill business functions according to preferences of organization 14." Id. A service "may

support any number of features and provide interfaces to these features." Id. In the example of a materials supply system, a service may offer interfaces to features for pricing and ordering. Id. The requirements of the features may be different, as the pricing feature may utilize sophisticated negotiation but the "ordering feature may simply require input of specified fields." Id.

So that an agent may access a feature, the service makes a description of itself available:

> This description may provide information of *varying specificity*. This may include generic information describing the nature of service 18, what *interface languages* service 18 supports, and generically what service 18 can achieve. This may further include specific information, such as precise features offered by service 18 and *techniques for interfacing with those features*. Using the materials supply system example, service 18 may include a description with generic information identifying service 18 as a materials supply system and specifying a language, such as standard materials negotiation and ordering language, supported by service 18. Service 18 may further include specific descriptors identifying particular features and techniques for interfacing with those particular features.

Id. at 6-7 (emphasis added). The description essentially provides information on how the agent is to use the service.

In operation, if an agent determines from a service registry that a service may match criteria set for the agent, "[o]rganization agent 22 may then query the contacted service 18 *for more detailed information* and potentially access the various functions provided by service 18." Id. at 9-10 (emphasis added). In one example, the service may respond to such a query and "supply descriptors detailing the particular capabilities enabled by service features 52 and *specify particular structures and techniques for interfacing with these service features* 52 via service interfaces 56." Id. at 16. (emphasis added). "*Using the information detailing the features*, organization agent 22 may access service features 52 using feature interfaces 56." Id. at 17. (emphasis added). In another example, "organization agent 22 may access service 18 *to determine the appropriate feature interfaces* 56 and then interact with service 18 to determine pricing." Id. (emphasis added).

Support for the limitation may be also be found, among other places, on page 16 of the specification:

> Feature interfaces 56 enable other entities, such as agent 40, to interface with functions provided by service features 52... Thus, description 54 may include information describing service 18, *identifying functions provided by service features* 52, and *detailing mechanisms for accessing and interfacing with feature interfaces* 56.

Specification at 16. (emphasis added).

Unless the full extent of feature interfaces of a service is already known to the creator of an agent, determining the feature interfaces for interacting with the service is a necessary step in building a flexible and interoperable system according to the disclosure of the invention. The present disclosure contemplates that a service may have the ability to inform an agent of the techniques by which the service and its various features may be accessed.

The Examiner argues that "it is inherent in communicating via the Internet between purchasers and sellers (i.e. service providers) that interfaces for interacting with the service providers are communicated." Final Office Action at 4. The Examiner asserts that *Das* discloses that negotiations involve transaction messages that are sent to and received from the purchaser and therefore discloses a technique for interfacing with the negotiations interface. Id. at 10. However, these transactions do not determine feature interfaces for interacting with the service provider. Nor do the transactions identify techniques for interfacing the feature interfaces in the communication. "To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." M.P.E.P. § 2112; See In re Robertson, 49 U.S.P.Q.2d 1949, 1150-51 (Fed. Cir. 1999). "In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." M.P.E.P. § 2112; Ex parte Levy, 17 U.S.P.Q. 1461, 1464 (Bd. Pat. App. & Inter. 1990). In rejecting the claims, the Examiner has not provided a basis to reasonably support the determination of inherency.

In fact, it would not be inherent, nor obvious, that an agent would communicate with the service provider to determine feature interfaces for interacting with the service provider. Likewise, it would not be inherent nor obvious that the service provider would identify techniques for interfacing the feature interfaces in the communication. The Examiner's argument skips the entire step of communicating with the service provider to determine the interface in the first place, and assumes that the interface is known. The Examiner ignores the significant efforts expended by builders of networked systems to make different components able to interface with one another. One method of making components of networked systems interoperable is for the creator of each component to know the interfaces of all other components which may be used. However, this may be often impractical. For example, it would be inflexible when an agent needed to access a new, unknown service provider.

The Examiner also argues that "interfaces features" include the data collection and storage; transaction record storage; on-line catalog; negotiation; sales completion and tracking of *Das* at P[106]. Final Office Action at 4. Each of these is reasonably described as a service or feature, but not a feature interface. Further, there is nothing in *Das* to teach the step of "communicating with the service provider to <u>determine</u>" the feature interfaces of these services and features; knowledge of any such interfaces is assumed.

The Examiner further argues that the feature interfaces for interacting with the service provider are inherent in the network-based system. Final Office Action at 4. The Examiner explains this is because *Das* discloses service providers in the form of the vendors of P[0066], P[0043], and because certain transactions are made automatically using these services. Even if the feature interfaces were inherent, which Applicant does not concede, this is irrelevant to the claim limitation. The claim limitation recites: "communicating with the service provider to determine feature interfaces..." The mere existence of the feature interfaces does not inform the reader of how an agent might come to know of their existence or form.

The Examiner also argues that the previously presented claim limitation "the service provider providing at least techniques for interfacing with the feature interfaces" was found in *Das*. Final Office Action at 4. However, *Das* does not teach the present limitation "the service

provider identifying at least techniques for interfacing the feature interfaces in the communication." The Examiner argues that several service providers exist in *Das*, and that these service providers provide the technique for an agent to interface with features of the service provider. However, none of these alleged service providers in *Das* identify to the technique for interfacing the feature interfaces; prior knowledge of the technique must be assumed.

Nothing in *Das* nor *Vashistha* teach that "to determine feature interfaces for interacting with the service provider, the service provider identifying at least techniques for interfacing the feature interfaces in the communication." *Das* and *Vashistha* are silent as to how an organization may learn from a service which modes of interfacing will be used.

Independent Claims 9, 17 and 25 include limitations that, for substantially similar reasons, are not taught by *Das* and *Vashistha*. Because *Das* and *Vashistha* do not teach or suggest every element of independent Claims 1, 9, 17 and 25, Applicant respectfully requests reconsideration and allowance of Claims 1, 9, 17 and 25 and their respective dependent claims.

B.   Claims 8, 16, and 24 are patentable over *Das, Vashistha,* and *Chun*.

As described above, Applicant has shown that *Das* and *Vashistha* fail to disclose all limitations of independent Claims 1, 9, and 17. Accordingly, *Das* and *Vashistha* fail to teach or suggest all limitations of Claims 8, 16, and 24 because these dependent claims incorporate the limitations of their respective independent claims. *Chun* fails to remedy the deficiencies of *Das* and *Vashistha*.

Thus, *Das, Vashistha,* and *Chun*, whether taken alone or in combination, fail to teach or suggest all limitations of Claims 8, 16, and 24. Because the references fail to teach all limitations of the claims, Applicant respectfully requests reconsideration and allowance of Claims 8, 16, and 24

CONCLUSION

Applicant has made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicant respectfully requests reconsideration of Claims 1, 4-7, 9, 12-15, 17, 20-23, and 25 as amended.

Applicant believes there are no fees due at this time; however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.322.5470.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicant

Brian W. Oaks
Reg. No. 44,981

Date: _1/24/2010_

CORRESPONDENCE ADDRESS:
CUSTOMER NUMBER: **05073**
Tel. 512.322.5470
Fax. 512.322.8383